

REMARKS

Applicant submits this Amendment in response to the final Office Action dated March 21, 2008. Reconsideration of the subject application as amended herein is respectfully requested.

Applicant would like to thank the Examiner for the courtesies extended during the telephonic interview conducted on April 10, 2008. As indicated during that interview, the Examiner has taken the position that the device described in the prior art Owens reference meets "the material and structural limitations" of the claims and therefore anticipates those claims, and/or renders those claims obvious, under 35 U.S.C. §§ 102 and 103, respectively.

Owens discloses a container, for use in an internal combustion engine, that holds a metallic substance; the fuel is directed to flow through the container prior to combustion, so that the metallic substance contacts the fuel, and the metallic substance thereafter acts as a catalyst in the combustion of the fuel, all so as to reduce harmful emissions.

While applicant's device also comprises a container that holds a metallic substance, and while combustion of a fuel does take place in the fireplace or stove in

which applicant's device is intended for use, that is where the resemblance with the Owens device ends; the fuel which is to be burned in the fireplace or stove, by contrast, does NOT flow through applicant's container, and the metallic substance in applicant's device has no effect on, and does NOT act as a catalyst in, the combustion of that fuel.

Applicant has now amended the pending independent claims (claims 1, 19 and 20) to add limitations which emphasize these important distinctions, and it is submitted that the Owens device no longer meets the material and structural limitations of those claims, as presently amended, and that those claims now recite structural differences that patentably distinguish the claimed invention from the prior art.

Applicant further submits that it would not have been obvious to one of ordinary skill in this art to utilize the Owens device in a manner, as postulated by the Examiner, which is completely contrary to its teachings, that is, in a manner in which the fuel is NOT caused to pass through the container holding the metallic substance, and in which the metallic substance is heated merely as an indirect result of the combustion of the fuel, rather than actively participating, albeit as a catalyst, in the combustion of that fuel.

Regarding dependent claim 7, which the Examiner further rejected as indefinite under 35 U.S.C. §112, second paragraph, applicant has amended claim 7 to clarify that it is not the combustion of the sawdust that is controlled and restricted by the

composition of claim 6 (that composition being comprised of sawdust and a binding agent); rather, it is the consumption of the soot removal agent that is controlled and restricted by that composition. Thus, the indefiniteness rejection has now been rendered moot.

It is respectfully submitted that the subject application is now in condition for allowance, and further favorable action is earnestly solicited. The Examiner is invited to contact the undersigned attorney by telephone if it will advance the prosecution of this case.

Respectfully submitted,

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